

HOUSE BILL 1261

P4, K4, D4

2lr0960
CF SB 894

By: **Baltimore City Delegation and Delegates Branch, Clippinger, Conaway, Glenn, Harrison, Haynes, McHale, Mitchell, Oaks, B. Robinson, Stukes, Tarrant, and Washington**

Introduced and read first time: February 10, 2012

Assigned to: Judiciary

Reassigned: Appropriations, February 16, 2012

Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 1, 2012

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City – Representation of Child Support Enforcement**
3 **Administration – Transfer of Employees**

4 FOR the purpose of requiring that, if the Office of the Attorney General ~~hires~~ appoints
5 certain individuals who were employees of the Office of the State's Attorney for
6 Baltimore City who were providing certain services for the Child Support
7 Enforcement Administration during a certain period and continue providing
8 certain services on or after a certain date, the employees shall be placed in
9 certain positions in the State Personnel Management System and receive
10 certain employment rights, service credit for certain purposes, certain annual or
11 sick leave, and certain rights as a member of the Employees' Pension System of
12 the State of Maryland and for determining eligibility for certain other benefits;
13 requiring certain employees who transfer service credit from the Employees'
14 Retirement System of the City of Baltimore to be subject to a certain pension
15 selection or pension benefit; providing certain exceptions for certain employees
16 who retire or do not transfer service credit from the Employees' Retirement
17 System of the City of Baltimore; requiring Baltimore City, under certain
18 circumstances, to make certain payments to certain employees and to transfer
19 certain ~~pension~~ employer contributions and interest in a certain manner;
20 declaring certain findings and the intent of the General Assembly; and
21 generally relating to the transfer of certain employees from the Office of the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 State's Attorney for Baltimore City to ~~the Office of the Attorney General~~
2 position identification numbers in the Department of Human Resources.

3 BY repealing and reenacting, without amendments,
4 Article – Family Law
5 Section 10–115(g)
6 Annotated Code of Maryland
7 (2006 Replacement Volume and 2011 Supplement)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
9 MARYLAND, That the Laws of Maryland read as follows:

10 **Article – Family Law**

11 10–115.

12 (g) (1) A State's Attorney may make a written agreement with the
13 Secretary of Human Resources and the county to provide legal representation for a
14 fiscal year. An agreement shall be made by September 1 of the year preceding the
15 fiscal year for which representation will be provided.

16 (2) An agreement shall establish reasonable administrative and fiscal
17 requirements for:

18 (i) providing and continuing representation; and

19 (ii) reimbursement.

20 SECTION 2. AND BE IT FURTHER ENACTED, That:

21 (a) The General Assembly finds that the Office of the State's Attorney for
22 Baltimore City has given notice in accordance with § 10–115(g)(1) of the Family Law
23 Article that, after September 30, 2012, the Office will no longer elect to provide legal
24 representation to the Child Support Enforcement Administration of the Department of
25 Human Resources in Baltimore City.

26 (b) For each of the 11 attorney positions and 1 clerical supervisor position in
27 the 2012 agreement between the Child Support Enforcement Administration and the
28 Office of the State's Attorney for Baltimore City, it is the intent of the General
29 Assembly that a position identification number be created in the ~~Office of the Attorney~~
30 ~~General~~ Department of Human Resources.

31 (c) ~~If the Office of the Attorney General hires~~ an employee of the Office of the
32 State's Attorney for Baltimore City who provides services under the 2012 agreement
33 between the Child Support Enforcement Administration and the Office of the State's
34 Attorney for Baltimore City for the period between October 1, 2011, and September 30,
35 2012 is appointed by the Office of the Attorney General to continue providing services

1 for the Child Support Enforcement Administration as a State employee on or after
2 October 1, 2012:

3 (1) the employee:

4 (i) shall be placed in a position in the State Personnel
5 Management System that is comparable to or most closely compares to their former
6 position, without further examination or qualification, and with a salary grade that is
7 commensurate with the hourly rate of salary of the employee from Baltimore City as of
8 September 30, 2012;

9 (ii) may not receive a diminution in compensation solely as a
10 result of the election by the Office of the State's Attorney for Baltimore City to no
11 longer provide legal services to the Child Support Enforcement Administration;

12 (iii) shall be credited with the years of service with Baltimore
13 City for purposes of seniority, including the determination of leave accumulation and
14 layoff rights under Title 11, Subtitle 2 of the State Personnel and Pensions Article;

15 (iv) unless the employee retires from the Employees' Retirement
16 System of the City of Baltimore, may retain the amount of annual or sick leave to the
17 employee's credit to the extent allowed by Baltimore City even if in excess of the
18 amounts allowed to be retained annually under the State Personnel Management
19 System; and

20 (v) unless the employee retires or otherwise does not transfer
21 service credit from the Employees' Retirement System of the City of Baltimore;

22 ~~1.~~ shall be credited with the years of service with
23 Baltimore City for purposes of determining eligibility for participation as a retiree in
24 the State Employee and Retiree Health and Welfare Benefits Program under ~~§ 2-308~~ §
25 2-508 of the State Personnel and Pensions Article based on the starting date for
26 service with Baltimore City instead of the starting date of employment with the State;
27 ~~and~~

28 ~~2. shall become a member of the Employees' Pension~~
29 ~~System of the State of Maryland with a beginning date for membership, for purposes~~
30 ~~of determining which selection of benefits applies to the employee, to be the beginning~~
31 ~~date for membership in the Baltimore City Employees' Retirement System and shall~~
32 ~~be entitled to a transfer of service credit as provided in Title 37 of the State Personnel~~
33 ~~and Pensions Article;~~

34 (2) an employee who elects to transfer service credit from the
35 Employees' Retirement System of the City of Baltimore to the Employees' Pension
36 System of the State of Maryland as provided in Title 37 of the State Personnel and
37 Pensions Article shall be subject to:

1 (i) the Alternate Contributory Pension Selection of the
 2 Employees' Pension System as provided under Title 23, Subtitle 2, Part III of the State
 3 Personnel and Pensions Article, if the beginning date of the employee's membership in
 4 the Baltimore City Employees' Retirement System was on or before June 30, 2011; or

5 (ii) the Reformed Contributory Pension Benefit of the
 6 Employees' Pension System as provided under Title 23, Subtitle 2, Part IV of the State
 7 Personnel and Pensions Article, if the beginning date of the employee's membership in
 8 the Baltimore City Employees' Retirement System was on or after July 1, 2011;

9 ~~(2)~~ (3) an employee who elects to not transfer credit from the
 10 Employees' Retirement System of the City of Baltimore shall become a member of the
 11 Employees' Pension System of the State of Maryland as of the date of employment
 12 with the State, and may not receive service credit for the period of employment by
 13 Baltimore City; ~~and~~

14 ~~(3)~~ (4) an employee who is eligible to retire from the Employees'
 15 Retirement System of the City of Baltimore on or before September 30, 2012, and
 16 elects to retire from the Employees' Retirement System upon commencing employment
 17 with the State:

18 (i) ~~may retire from the Employees' Retirement System of the~~
 19 ~~City of Baltimore;~~

20 ~~(ii)~~ (ii) shall become a member of the Employees' Pension System of
 21 the State of Maryland as of the date of employment with the State, and may not
 22 receive service credit for the period of employment by Baltimore City; and

23 ~~(iii)~~ (ii) may not carry over any accumulated sick leave or
 24 annual leave to State service; and

25 ~~(4)~~ (5) Baltimore City shall:

26 (i) pay to each employee who transfers employment to the
 27 ~~Office of the Attorney General~~ State any compensation that is due to the employee on
 28 termination of employment with Baltimore City as of September 30, 2012, except for
 29 any accumulated leave that the employee elects to transfer to the State; and

30 (ii) transfer ~~pension~~ employer contributions and interest for
 31 employees who transfer employment to the ~~Office of the Attorney General~~ State in
 32 accordance with ~~Title 37~~ § 37-205 of the State Personnel and Pensions Article, except
 33 for any employees who retire or elect not to transfer service credit from the Employees'
 34 Retirement System of the City of Baltimore.

35 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 36 October 1, 2012.